

181

A SECOND  
LETTER,  
TO

The Right Honourable

The EARL T - - - E.

IN WHICH

The Proceedings relative to J—N W—S,

FROM

MARCH 18th to JUNE 18th, are

Minutely considered; the Person clearly pointed  
out who was the Cause of the present Distractions:

AND

A CURIOUS ANECDOTE

With regard to LORD M———D's Family,  
Never published before.

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—Raro antecedentem scelestum

Deservit pede pœna claudo.

Hor.

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L O N D O N :

Printed for A. HENDERSON, Westminster-Hall.

L E T T E R S

T O

The Right Honourable

To the Lovers of the Constitution of  
the united Kingdom.

The *Manuscript* HISTORY of SCOTLAND  
by Mr. HENDERSON, Author of the *Life of the*  
*late Duke of CUMBERLAND*, is to be seen at his  
Son's shop in Westminster-Hall.



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A SECOND  
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TO  
EARL T - - - E.

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MY LORD,

HAVING in my former LETTER acquainted your Lordship with the RISE and SPRING of Mr. W—s unhappy situation; and reminded you of the several steps, that had involved him therein: I come now to a short narrative of what has passed since the Time of his return from Bath, after being elected at B———d to serve in Parliament, as  
A member



member for the county of M——x : a county whose numerous freeholders are more ready to be mis-led by the whims of the giddy multitude, than those of any district in South Britain. This observation does not extend to the many worthy gentlemen of ability, of great and independent fortunes ; I only mean the small freeholders about S——ll, W——g, L——e, and other places, whose dependance is upon labouring, and other low class of people.

As Mr. W——s had wrote a letter to the secretary of the T——y, promising to surrender himself to the Court of K——g's B——h, on the first day of the Easter Term, which sat down the 20th of April, 1768 : so the A——y G——l and other officers of the crown, delayed to take him up ; a conduct which several people condemned, as acting otherways, would have prevented much of the trouble which soon afterward ensued.

I have, my Lord, been long of opinion, that the judges of every country are the supporters of dignity, and the props of regularity and order in every state, and that in proportion to their skill and ability, they ought to be regarded and admired ; since upon a matter of importance, a wrong decision may be attended with the worst consequence, and occasion such disorder and confusion as will be the work of time to remove.

Whatever regard a man may have to the Institution of any of his Majesty's Courts of Justice, yet the same ought not to render him blind to the errors and mistakes of those who compose it.



I take



I take the institution of the Court of C——n P——s, to have taken its rise from the same motive as that of the civil law. Jethro, the father-in-law of Moses, the great Hebrew legislator, observing the fatigue which his son underwent, in hearing causes from morning to evening, advised him to appoint people under him, for hearing complaints of lesser matters, reserving the most difficult to himself. The court of C——n P——s was only instituted for an help to that of the King's B——h: but in the nature of things was not to meddle in matters of difficulty, existing between the crown and the subject: and perhaps, from this circumstance, did the erroneous decision of the 5th of May proceed; a decision formed upon mistaken principles, hurried on by clamour and popularity, and which involved in such mistakes, as might be constructed rather to flow from the heart, than the head of one who had once been the king's A——y G——l: a decision, the source of the present distractions; I need not repeat in this Letter what I mentioned in the former concerning the application of W——s to the court of C——n P——s for his enlargement; to admit him to appear with a complaint almost against the sovereign, was assuming a power not inherent in them. The court in my humble opinion, ought to have refused to hear W——s on the occasion; and like an indulgent parent, (which every judge ought to shew himself) their duty was, to have directed him to the proper court for redress, and who could only take cognizance of his cause.

Another

Another error in the court of C——n P——s, was, to suffer him to harrangue with all the virulence of antipathy, and throw the cruelest reflections against a COUNTRY whose sons have been regaled in foreign parts, courted by the powers of the Continent, and whose fidelity is universally admired !

Your Lordship and every person knows, that he said, “ I was more cruelly used, and worse “ treated, than if I had been a SCOTS rebel ;” just as if no rebellion had ever happened in England, or, as if no South Briton had ever been engaged against the present Royal Family. This might have saved him from much trouble ; perhaps, if the *North Briton* had been discontinued, the *Essay on Woman* had never been thought of !

How great the praise and encomium of the judges of that court, had they reprov'd him for the inflammatory expression, so subversive of the original treaty of union now subsisting between the two crowns. A person of far less sagacity than a judge may be supposed to possess, might easily penetrate into the intention : Lord Chief Justice Hales did at Shrewsbury give a shining proof of his having entered into the spirit of the solemn treaty of union, by reprimanding Mr. Serjeant Perrat for saying to a witness, “ Come, Sir, you seem to have BROAD SCOTS “ SHOULDERS, you are come here in favour of “ your SCOTS countryman !” The judge reprov'd him, and told him, that “ by the “ articles of UNION, every Scotfman was “ an

“ an Englishman, and every Englishman a  
 “ Scotsman : ” A construction no less rational  
 than interesting, and entirely conformable to the  
 spirit of that solemn transaction, which if duly  
 observed, may be of the utmost advantage, as  
 indeed it was in the course of the last war. To  
 the praise of the present justices of the peace  
 in and about this great metropolis, they check  
 every national reflection.

How fortunate for this country, had the  
 court of C-----n P-----s call'd upon the m-----s  
 who siezed upon W-----s, and demanded to know  
 the grounds of suspicion on which they had  
 proceeded ; if their account had been satisfactory  
 on being confronted with him ; then let him  
 continue in custody or be bailed ; if not agree-  
 able, then let the messengers suffer for their  
 imprudence and irregularity ? The court of  
 K--g's B----h behaved in a quite contrary man-  
 ner, almost in every particular.

The 20th of April, 1768, was remarkable  
 for the vast number of people wherewith West-  
 minster hall was crowded : and who came to  
 see the man, whose name, speeches, misfor-  
 tunes, combats, harrangues, and late success  
 had been so much talked of : the justices of  
 peace for the city and liberty of Westminster  
 exerted themselves, for suppressing tumults and  
 insurrections, and published a paper, assuring  
 that the laws against all riotous and disor-  
 derly persons would be put in execution with  
 the utmost rigour and severity : a party of the  
 guards were ordered to be in readiness in case of

dis-



disturbance, the whole constables were in motion, the justices of the peace came to Guildhall, and Justice Walsh, a man of great politeness and humanity, stood upon the sixth step leading up from the hall, to the courts of King's Bench, and Chancery.

Never was Westminster-hall fuller, except at the trial of a peer, or at the coronation of a king; when galleries are raised, and seats made so as to contain multitudes of multiplying spectators; the court of King's Bench was crowded, and a standing sold at an high price; such was the curiosity! About one in the afternoon J-----n W-----s appeared at the bar, and surrendering himself to justice, he desired to be heard: never was the curiosity of an audience more whetted than at this juncture, when in the midst of a profound silence, and while every one fixed their eyes upon him, he spoke as follows:

“ MY LORDS, According to the voluntary promise I made to the public, I now appear before this sovereign court of justice to submit myself in every thing to the laws of my country.

Two verdicts have been found against me. One is for the re-publication of the North Briton, N. 45, the other for the publication of a ludicrous poem.

As to the re-publication of that number of the North Briton, I cannot yet see that there is the smallest degree of guilt. I have often read and examined with care that famous paper. I know that it is in every part founded on the strong

strong evidence of facts. I find it full of duty and respect to the person of the king, although it arraigns in the severest manner the conduct of his Majesty's then ministers, and brings very heavy charges home to them. I am persuaded they were well grounded, because every one of those ministers has since been removed. No one instance of falsehood has yet been pointed out in that pretended libel, nor was the word *false* in the informatinn before this court. I am therefore perfectly easy under every imputation respecting a paper, in which truth has guided the pen of the writer, whoever he was, in every single line, and it is this circumstance which has drawn on me, as the supposed author, all the cruelties of ministerial vengeance.

As to the other charge against me for the publication of a poem, which has given just offence, I will assert that such an idea never entered my mind. I blush again at the recollection that it has been at any time, and in any way, brought to the public eye, and drawn from the obscurity in which it remained under my roof. Twelve copies of a small part of it had been printed in my house at my own private press. I had carefully locked them up, and I never gave one to the most intimate friend. Government after the affair of the North Briton, bribed one of my servants to rob me of the copy, which was produced in the house of peers, and afterwards before this honourable court. The nation was justly offended, but not with me, for it was evident that I had not been

been guilty of the least offence to the public, I pray God to forgive, as I do, the jury, who found me guilty of publishing a poem I concealed with care, and which is not even yet published, if any precise meaning can be affixed to any word in our language.

But, my lords, neither of the two verdicts could have been found against me, if the records had not been materially altered without my consent, and, as I am informed, contrary to law. On the evening only before the two trials, lord chief-justice Mansfield caused the records to be altered at his own house against the consent of my solicitor, and without my knowledge; for a dangerous illness, arising from an affair of honour, detained me at that time abroad. The alterations were of the utmost importance, and I was in consequence tried the very next day on two new charges, of which I could know nothing. I will venture to declare this proceeding unconstitutional. I am advised that it is illegal, and that it renders both the verdicts absolutely void.

I have stood forth, my lords, in support of the laws against the arbitrary acting of ministers. This court of justice, in a solemn appeal respecting *General Warrants*, shewed their sense of conduct. I shall continue to reverence the wise and mild system of English laws, and this excellent constitution. I have been much misrepresented; but under every species of persecution, I will remain firm and friendly to the monarchy, dutiful and affectionate to the illustrious



ous prince who wears the crown, and to the whole Brunswick line.

As to all nice, intricate points of the law, I am sensible, how narrow and circumscribed my ideas are; but I have experienced the deep knowledge, and great abilities of my counsel. With them I rest the legal part of my defence, submitting every point to the judgment of this court, and to the laws of England."

I am sorry, my Lord, to observe so little sense of guilt in so gross an offender, who roundly asserts, "That every part of the North Briton, No. 45, was founded upon the strongest evidence of fact, and full of duty and respect to the person of the King!" when every line of it contradicts the assertion; it is a fact that the cession of Cape Breton, and the whole Continent of North America, was nothing while we were not possessed of the tract extending from the Western shore of the Mississippi to the ocean? a country entirely covered with woods, and in which we are at freedom to make settlements: there is no European power to controul us; and doubtless when the territory along the Eastern shore of that large and impetuous river, abounds with inhabitants, there will be found adventurers to settle upon the opposite shore: but was not the speech uttered by the King, the speech of the sovereign, frame it who will, no less than the money in a man's pocket is his, provided it be lawfully come by? Every person knows that many thousands of people possess money who

B

are

are not concerned in the mint. The XXXIX *Articles of the Church of England*, are the articles of every member who embraces them. The *Westminster Confession of Faith* is the confession of faith of every member of the *Church of Scotland*; no less than Euclid's *Elements*, are the elements of every mathematician, who engages in the study of geometry. The councils of kings are not to be too curiously pryed into: one thing is certain, that no crowned head ought to speak to his people without deliberation and thought: there is no sovereign without counsellors, and it would be preposterous to expect from him what was not rationally considered: he cannot be supposed to speak what he does not understand, or to utter things contrary to his own principles: besides, there was another method of convincing the public that the minister had imposed upon his master, than that of informing, that contrary to his own sentiments, he had uttered a speech from the throne.

As to the second inditement, which proceeds upon the ludicrous *poem*, (as he phrases it;) his defence is in my opinion vague and unsatisfactory: he owns printing some part of it in his house, but denies publishing it; he perhaps means advertising it in the public papers: but why print the infamous treatise? or any part of it: certainly, a member of a British parliament had the interest of his constituents much at heart, while spending his time in such publications as the *Essay on Woman*; a performance which

which a modest heathen would have been ashamed to countenance : for it is admirably well observed by Cicero, “ that nature had hid the *pudenda* ” ; and from this circumstance he reasons with great propriety, that these ought not to be named.

Whatever regard the public may have to Mr. W——s, yet I must be allowed to doubt the g———t's having bribed one of his servants to rob him of the *copy* : 'tis unquestionably true, that the earls of E———t and H———x, the then secretaries of state, could not have been certified of what was doing in W——s's house without information ; *Currie*, an Englishman ! and a confident, betray'd the cause committed to him, notwithstanding the generosity of his patron ; and if the secretaries, upon undoubted authority, endeavoured to suppress the base production, and to bring the person to justice who employed his time upon so profligate a subject, they did but their duty ; it was what every good man ought to do. Was a son of mine, my lord, to take up his time in such monstrous baseness, I would tell him roundly,

——— *Est relectum*

*Filii nomen pietasque ?*

HOR.

The communicating the impious production, even to *Currie* himself, was a sufficient foundation for an action against him ; and may no man be better rewarded, who acts the part that W——s had done. True friendship, my lord, is founded upon virtue ; whereas the confidence whose foundation is laid in baseness and dis-



honour, will soon be dissolved, not to say, will be converted into aversion and antipathy.

As the other j—s of the K—g's B—h were unacquainted with the matter; so Lord Mansfield with great politeness explained that part of the charge, with regard to altering the *record*, which was no more than a meeting of the attorney for the crown, and W—s's attorney at his lordships chambers; where by mutual consent the word *purport* was altered into *tenure*; and so much to the advantage of Mr. W—s, that it was much more difficult to convict him after the alteration than before. The whole court was unanimously of opinion, that nothing had been done inconsistent with form and regularity; they readily allowed, that W—s ought to be the last to complain; the sole question was now, Whether Mr. W—s was to be taken up or not? the attorney general moved it, and urged it; but the court overruled his plea; observing that he came improperly before them, as not being brought by the sheriff or some other officer of the crown: it was even urged, that the attorney general might have apprehended him long before, he having appeared n——y for several days. On this he departed out of court, and no less than twelve warrants were issued out against him, and put into the hands of the sheriff's officers, who were all incessant to find him out, but to no purpose, till the 27th of April, when he sent a card to Mr. Hill, intimating that he was ready to appear upon the writ of *capias ut legatum*; in consequence

sequence of which he appeared a second time in court, not as of himself, but properly before them, and by the proper officer; so that the court proceeded to hear what he had to say by his counsel. Sir Fletcher Norton and the attorney general acquitted themselves with precision and elegance, and the counsel for W——s exerted themselves in his cause: Mr serjeant Glynn, a man of great moderation and ability, spake with uncommon eloquence upon the subject; counsellor Mansfield and the recorder of the city of London seconded his arguments, but could not prevail: they offered bail for him to any amount, but in vain: it was alledged, that no prisoner for treason had ever been bailed after conviction; and if Mr W——s who had fled from justice, and gone over sea, was now to be bailed, it would lay a precedent of a very dangerous nature; and people might be apt to conclude, that it was better to fly one's country, and bid defiance to the laws than to submit to them. On this the court gave their opinion, that however uncommon it was to take bail after conviction, yet the power of admitting the present prisoner to bail was still in the power of the court, but then it must be with consent of the prosecutor; so that had the attorney general agreed to it, Mr. W——s might have been at liberty: his excuse was every way plausible; he told the court that he had been very much reflected upon for not having taken him up sooner, which nothing hindered but Mr. W——s's letter to the secretary of the treasury: on this he  
was

was committed to the K—g's B—h prison, after being in court above five hours, as he walked through the hall between two of the marshal's stip-staves, every one crowded to get a sight of him; he appeared abundantly calm, and was huzza'd by the mob, as he entered the coach that was to conduct him to the place of confinement; but scarce had the horses arrived at the central arch of Westminster bridge, when they were taken out, and with hollowings and acclamations, the mob drew the coach down Bridge-street, through Parliament-street, and so proceeded to the King's Arms in Spittal Fields, where he refreshed himself, and earnestly begged that the mob would disperse; an advice which they would not so easily have taken, had they not thought him safe and at liberty, as the stip-staffs had gone off. About ten at night he put on a wide coat, flouched his hat, and so went over to the prison, where he surrendered himself to Mr. Thomas, the Marshal, who treated him with great kindness and humanity. When the mob heard of his confinement, they seemed every where to exclaim against the court of K—g's B—h, and particularly against Lord Mansfield, notwithstanding that worthy man's conduct and impartiality.

Whether the mob about the King's Bench prison proceeded from the indiscretion of some people in power, or from their own whim and caprice, is but a circumstance: certain it is, that a military force was found necessary



fary to quell them ; a task disagreeable for every officer ; and I dare say displeasing to the private men, who groaning under the heavy load of want and penury, the never-failing consequence of a dearth of provision, would have preferred earning a shilling at any of the trades to which they were bred up. Lenity to a multitude is sometimes attended with cruelty, and rigour is always attended with injustice and barbarity ; however, my lord, many methods might be used before coming to extremities : the officers behaved with great patience and as became gentlemen, notwithstanding provocations which military men could not well put up, they were even pelted with stones ; the justices of the peace were treated in the same manner ; some shot were fired, and several people were killed, among whom a *Woman* who left behind her ten small *Children* ; and one *Allen*, a youth about eighteen years of age, the only child of his mother, and the son of a man who is confessed to be an obliging landlord, and in every respect a valuable honest man. Two grenadiers were taken up, being charged with the murder, but on some favourable circumstances, one of them named *McGillivra* was bailed, whereas the other named *McLean*, (both of the 3d regiment of Guards,) was confined to the new prison, to stand trial at the Kingston assizes : a circumstance which hinders any further enlargement upon so truly melancholly a subject.

One thing is certain, very cruel aspersions are  
thrown

thrown out against the court of K—g's B—h, for admitting Lord B—l—m—e to bail without the consent of Sarah Woodcock his prosecutrix, and of admitting the officer commanding the party, and a grenadier, on the 10th of *May*, without consent of Allen, the father of the unfortunate youth that was killed. These people don't consider that the case of W—s was widely different from that of his lordship or the officer ; the former being convicted, whereas the latter were only accused : Time, the discoverer of secrets, will soon show how far M'Lean the soldier is guilty of the crime laid to his charge.

A third application was made to the court for admitting W—s to bail, and the matter was keenly disputed betwixt Mr. Serjeant Glynn and Mr. Thurloe, the former of whom pleaded a *writ of error* in the *outlawry* ; and founding on these premises, insisted that the two verdicts against him might be set aside : he expatiated with great ability upon the absolute necessity of acting according to the forms of law, and quoted some precedents in former reigns ; upon which he reasoned with such candour and ability, as even to draw the particular thanks of the court, who further observed, that the learned arguments advanced, were not to be hastily determined ; they even wished the *writ of error* might be found ; so much did they sympathize with him : and thus by embarrassing the cause, a final determination was delayed. A fourth application was made on Saturday, May 14th, in Lord Mansfield's absence ;  
when

when the refusal was more striking than hitherto; the fifth and last was on Monday the 16th, being the last day of term, but still the attorney general refused to comply.

While the name of W—s was sounding in every company; some speaking for him, some against him: the wise and confederate were eager to know the mind of a certain august assembly, which is still a matter of difficulty to know, as in great assemblies, the voice of one man frequently directs the whole. Hitherto the matter is obscure, notwithstanding a motion by Mr. L———l, m——r for N———m, “That the officers of the crown might be called upon to give the reason why Mr. W—s, an *out-law*, was not apprehended on his first appearance.” The motion was overruled, and a second was proposed in its place; viz. “That an humble address be presented to the K—g, that he would be graciously pleased to inform the H—se who the officers were to advise his M———y not to take up W—s so soon as he appeared publicly.” But each of the motions was over-ruled; the house being utterly averse to any solicitation inconsistent with the respect due to the sovereign.

During these transactions, W—s was in confinement, which his friends were endeavouring to alleviate, by making contributions for his support; he himself was taken up, either with writing letters to his attorney R——ds, and to his confidants, or in receiving visitors, whom he was enabled to entertain with splendour  
C and



and opulence : many persons of fortune contributing thereto ; some sent him 45 guineas ; others 45 pieces of butcher's meat ; a third, 45 fishes ; a fourth 45 pies ; and a fifth, 45 dozen of wine, and other spirits, &c. In short, the notion to perpetuate the signal deliverance from the year 1745 was used like a charm or enchantment : but the wiles of France and of Rome at that period, to whet the edge of that unnatural antipathy, which had been blunted through the common interest of both nations was utterly forgot.

The No. 45, ought, my lord, to be considered in a different light, and to bring to mind the still more memorable year 1645 ; an æra still more terrible ; in that year, king Charles I. lost the Battle of Naseby, and was after a deluge of blood reduced to the utmost difficulties : England bled at every vein, every man's sword was turned against his fellow : and in Scotland no less than six battles were fought with the loss of 20,000 men, besides the other miseries attending a civil war ; to foment mobs, and bring in men of violence, is not a way to procure better days in 1845 for our posterity.

I presume that the reason why the court of C——n P——s did not check Mr. W——s, flowed from the mistaken notion, that every North Briton was a Frenchman in his heart, and disaffected to the Royal Family ; I assure your lordship, and with great truth, that the thousandth person in the north part of the united kingdom, was not disaffected even in the year

1745,

1745, when almost the whole nation, except some few Highlanders and Islanders, exerted themselves in favour of the government; and to the honour of the earl of Hardwicke be it spoken, he observed, that \* the bulk of these had been compelled to take up arms.

Though I don't pretend to dictate, yet I must inform, that my knowledge of North Britain, is not wholly contemptible; having been in every county, in many of her isles, both northern and western; upon every spot where was an engagement. I have a MSS. history of that kingdom lying by me, the publishing of which was retarded by the falsest and basest of wretches, at the expence of truth and of every other tie binding upon men; nor is there in that performance a single sentence taken servilely from any other author; if I therefore speak what I know, I hope to be believed.

What honour would have accrued to L——d C——f J——e P——, had he checked W——s in such terms as these: “ Remember you are  
 “ in a court of justice, where national reflecti-  
 “ ons cannot be admitted; I am afraid there  
 “ have been too many rebels and incendiaries  
 “ among us, both in South and in North Bri-  
 “ tain; from which last place, there are none  
 “ present to answer for themselves: you are a  
 “ member of a British House of Commons,  
 “ but neither of an English nor Scots parlia-  
 “ ment, names that have been abolished by  
 C 2 all

\* See his speech in the trial of Lord *Levat*, page *ult.*

“ all the power of the legislature: for your  
 “ own sake, beware of warm and adventitious  
 “ expressions, the sure indications of a low  
 “ mind: recollect, that a man may disgrace a  
 “ country, but no country can disgrace a man.”  
 These are not inconcise terms, for all circum-  
 locutions are unnecessary and disgusting.

Had his L———p acted in this manner, he would have been applauded by every wise and considerate person, especially the gentlemen of the army and navy, who in foreign climes knew no \* distinction.

However, he was approved by the rabble, who thought that they might utter in ale-houses what had been spoke before the court of C———n P———s with impunity; from ale-houses the national reflections hastened to taverns, coffee-houses, balls, assemblies, and masquerades: the king's subjects were stirred up against each other, more than before the UNION of the two crowns, duels were fought and lives lost in the contest, widows lamented the loss of their husbands, the childless and orphans bewailed the misfortunes they sustained. Neither your lordship nor the now Lord C———n could be ignorant of the signal services done by JOHN duke of Argyle, and the earl of STAIR, in the year 1715; nor of the behaviour of the dukes of ARGYLE and  
 DOUGLASS

\* In the army of *Gustavus Adolphus*, the Scots and English soldiers conducted themselves as of the same country. See *Munros's* expedition of that illustrious hero.



DOUGLASS in the year 1745. Your lordship, though never in North Britain, could not be ignorant of the fidelity of the greatest part of her inhabitants!

You certainly knew that the strefs of the late war lay upon the natives thereof! no less than 75,000 men, being in the king's service during its continuance: thirty thousand were raised in the course of five years, two-thirds of whom fell in battle, and by the change of climates! These adventurers were the happy instruments of procuring the most substantial advantages, and contributed as much as any corps in the army toward obtaining the laurels which crowned the British standards, in the years 1758 and 1759; did they not behave with uncommon gallantry at Louisbourg? Did they not assault camps and storm armies at Ticonderaga? Did they not brave the season, the climate, and the sword, at Martinico and Guadaloupe? Did they not climb rocks and precipices at Quebec! Did they not perform prodigies of valour at the unfortunate battle of the 28th of April, 1760? when they dyed their swords in the blood of their enemies, and were only fought down by the superiority of numbers, assisted by the regiment of Roussillon? And was not a North Briton \* the first to mount the Moro-Castle, on the 12th of August, 1762, when the same was taken by storm!

These

\* Lieutenant Charles Forbes, of col. Stuart's regiment.

These expostulations are not addressed to the passions, but to the judgment ; they are intended to inform, not to irritate : let L—d C—n, or any other, feel the force of truth, but not the weight of his accusers ; and yet we cannot but observe, that no country upon earth can boast less the antiquity of its present inhabitants than South Britain ! Your lordship's own name is not ENGLISH, it is originally from France ; and that of P—t is from Hungary : your face, your gestures, looks and attitudes, speak the foreigner.

How unfortunate for W—s himself, that he was not reproved by the c—t for uttering the rancorous expression ; it might have proved a means of making him discontinue the irritating production ? And if the paper call'd the *North Briton* had been dropt ; I dare say, the prince upon the throne, no less conspicuous for his virtues in private life, than for the lustre of his crown, now the most brilliant upon earth, would like the nursing father of his people, have overlooked the discontinued foibles of a son ? In this event, numbers of people from North Britain would not have been treated worse than aliens and foreigners ; the *poor man* himself would not have occasion to fly his native country, nor would his foibles have been so much exposed ; the riots about the cities of London, Westminster, and Southwark, with many outrages in different places, would have been prevented, and the labouring part of the king's subjects had not been diverted from the  
business

business at which they gain bread to themselves and their families: the deaths of the poor people in St. George's fields, would not have happened; poor Allen would not have now been lamenting his son. W---s himself had been at freedom, whereas he is still confined to a goal, though the *writ of error* against his *outlawry* is sustained, June 8th, 1768.

Your lordship will observe, that I have not embraced the popular side; neither have I interest with people in power, though a vote in the election of two members of parliament, to neither of whom I am so much as personally known: I have so far suffered by my attachment to the present Royal Family, as to lose the very bread which I came up from Scotland to enjoy; the gentleman for whom I do business knows the fact to be true; my unexpected successor has been in favour with some great \* personages. My four sons, I hope shall never share of their father's misfortunes; a father, who has it not in his power to procure one of them a commission in a marching regiment; though without vanity they are accounted worthy by connoisseurs; 'tis apprehended, that my enemies are too powerful: 'tis a question if the son of a man whose father addressed the *old Pretender*, under the name of K. J---s VIII. anno 1715, has not a pension, while the offspring of one who with his three brothers, drew their swords for the government at that period, lies neglected? 'Tis a question, if a man who is not master of an hundred latin lines, has not more

\* D---r J--- B---r, P-----y of W-----r.



more encouragement than the person, who if called upon, could speak the language fluently, repeat and explain as many thousand; he can write a letter in six different languages; can be secretary, to an ambassador, and yet cannot, though in the vigour of his days, procure a place in an island or any of the public offices? 'Tis a question if the person who lay in goal eight months at the instance of a common butcher, has not more encouragement than the man who notwithstanding a small family of a wife and four lovely sons, does not owe fixpence to all the tradesmen upon earth.

However, no discouragement ought to dissolve the allegiance due to a sovereign: my children shall have education, if their father lives; they shall be cautioned against mobs and insurrections against lawful authority. The name of W—s and LIBERTY, shall never be countenanced, unless the terms be better understood than at present; for I really believe, that of the many ten thousands that appeared in that popular and sonorous cause, scarce one individual knew the import of the word LIBERTY! which I dare say, your lordship will readily acknowledge not to consist in putting blasphemous *treatises* into the hands of printers, influencing elections, compelling people to illuminate their houses, and breaking the windows of the great.

Liberty, my Lord, according to Cicero, Grotius, Puffendorf, and every one who wrote on the subject, consists in a freedom to act and speak rationally, without fear of restraint from superiors:

superiors : or it is the right of private judgment in men of a sound mind ; however this Liberty is to be under the direction of the laws : men must not call their sovereign a fool and a liar ; neither must they print blasphemy against the God who made them. The law in the hands of the virtuous is the best and surest protector ; for if liberty was not controulable by law, it would rise into licentiousness ; societies for propagating atheism and blasphemy ought not to be tolerated, and the unnatural crime of sodomy ought to be look'd upon with horror and detestation ; rational liberty gives no power to act inconsistently, and below character ; insults upon Majesty are not to be borne with, churchmen must not be allowed to glory in their infidelity, neither are mobs to dictate to kings.

Was one to examine the conduct and practice of some constituent members of the late mobs, 'tis probable such characters as we have been describing would be found among them ; 'tis certain, no wise man would associate with these, as the annals of England are full of the bad consequences of such tumultuary scenes : 'tis not my province to direct people in power, I neither have ability to the undertaking, nor is it my inclination : however, I may be allowed to say, that every member of society ought to love truth and peace, to consider the welfare of his fellow subjects as inseparably connected with his own, to consider every individual in the king's dominions, to be entitled to the smiles and

favours of his sovereign if he deserves them ; a man born in N. Britain or Ireland, in Jamaica, Barbadoes, or any of the provinces of North America, a native of Bengal, or any of the British colonies in the East Indies or in Africa, has no less a title to be lord mayor of the city of London, or to be one of her representatives in parliament, than a native of Thames street or Cornhill, or if you will, than a person born at the palace of St. James's. National reflections are extravagant, foolish and groundless in themselves, mischievous in their nature, hurtful in their consequences, and in reality, a species of deep, premeditated and concerted treason : the p——t thought so : they ordered No. 45 of the North Briton to be burnt at the Royal Exchange, by the hands of the common hangman, the present lord Mayor being then the sheriff, a gentleman of spirit and resolution, and whose steadiness of conduct was so much admired, as lately to be admitted a member of his Majesty's most hon. privy council : an honour never conferred on a mayor of this great metropolis, since the time of Sir William Walworth in the reign of king Richard II.

Consider, my lord, that the eyes of all Europe are upon us ! there are now more foreigners in Britain than at any time before ; and every foreigner is a spy ; more ready to expose the foibles of the nation, than to represent the regulations of the state, and more inclined to observe the fire of the mob, than the spirited methods  
 uted



used to suppress it: the loss sustained at the mansion house will be mentioned, when the spirited conduct of the lord mayor will be passed over; as will the reward of fifty pound promised by the Livery to every person who should bring an offender to justice; the indiscretion of some people in writing letters to the judges, condemning their conduct and threatening them into measures entirely conformable to the humour of the people, will be talked of, when the steps taken by the courts of justice for correcting the insolence will not be mentioned: the candour and uprightness of the court of K—g's B—h will be forgotten while the North Britons, No. 50, and 51, with the extraordinary North Briton, No. 4 will be dwelt on.

All these numbers were levelled at Lord M—f—d with keenness and indiscretion, he was charged,

I. With cruelty to W—s in opposition to the humour of the people, notwithstanding he ever advised lenient measures, and behaved with all the indulgence that could be expected from a judge, who by his oath is bound to act according to law.

II. With altering the *record*, a thing frequently done, and which was much in Mr. W—s's favour.

III. For not admitting him to bail, as Lord B———e was, with Murray and M'Gillivra: strange, that an accused person should be put on the same footing with a convict!

IV. *Delaying to give judgment*: not considering that the delay proceeded from the pleadings of W—s's own council, and that the cause had been five times before the court in the course of one term.

Your lordship knows, that a rule was granted against the publisher of the first two papers, to shew cause why an attachment should not pass against them; they appeared in court on the 7th, when a learned gentleman of the law acknowledged, that these productions were not defensible in themselves, though the venders for whom they were not advertised, were not so culpable in that way, not having it in their power to look into every performance: that day Mr. B——, one of the publishers, desired liberty to read his own defence, which Mr. J——e A——n, a gentleman of real good nature, of unsullied candour and humanity, urged he would not do: “I apprehend it is a libel, (said he) and out of pity to yourself I am against reading it.” And the attorney declaring it to be improper to be heard by the court, Mr. B——y was allowed to the 9th to shew cause for not passing the attachment; but on that day another named 51 appeared in public, charging lord M——d still more than hitherto had been done: on this another *rule* was granted for him to shew cause why a second attachment should not pass for No 51, and thus an industrious young man is involved in trouble and misfortunes.

While the court was thus taken up with *rules* and attachments, Mr. W—s was brought up on

on the 8th of June, about 8 in the morning, and a little afterward he appeared in court, and in deep mourning for her late Royal Highness the Princess Louisa the King's sister. The council for the crown and for the prisoner reasoned upon the *writ of error* in the *outlawry*, with eloquence, and precision, and then the court severally spoke their minds; Lord Mansfield (of whom W—s party was jealous) became the man's deliverer; he spoke with an eloquence which would have done honour to the senate of Rome, when in its utmost splendor and magnificence; he pointed at an omission\* in the *outlawry* as delivered in by the sheriff, which rendered the same informal and imperfect, and therefore was for setting it aside; the other judges spoke likewise, upon the subject, and owned that Lord Mansfield's observation had entirely determined them, and turning to W—s, informed him of the obligation he owed to his lordship: on this the *outlawry* was reversed, and the crowded hall resounded with the acclamations and huzzas of the multitude, so that nothing remained but to set the verdicts aside; but this being a matter of difficulty, and no way competent, these were sustained.

From a view of these scenes, 'tis clear, he has gone through many hardships and difficulties; nor does it appear how he was supported, much less how he became furnished with money to quit France, and appear with splendor, both in

G—ll

\* The form of an Outlawery runs thus, *At* in  
the county of on the day of in our court  
of in and for our county N. B. These five  
last words were left out, which was Mr W—s's deliverance.



G—ll and at B—d : I shall only tell you a story of a man whose name in latin is J—s *Cochlearis* : This man, is said to have affected the Scots maxim, *LIBERTAS OPTIMA RFRUM* : and flying from his country, lived for four years in exile, then unexpectedly returned ; this person had an only child, a daughter, of whom he was very fond ; having resolved to return to England, he went to a jeweller at Paris, and told him that his daughter was upon the point of being married very honourably, and desired him that he would send him jewels to the amount of 18,000 livres, in which she might appear on her wedding day : Monsieur got them ready, and *Cochlearis* came to view them, and desired that they might be sent to his hotel, where was a connoisseur, in those matters, and that whatever value he put upon them should be paid : accordingly the jewels were sent, but the appraiser not being at home, *Cochlearis* had address to prevail on the apprentice to leave them till next morning ; and in the mean time pawned them, and that very night set off in a post chaise for Calais, and arrived in England, where his popularity raised outrageous commotions, for fomenting which, he was according to some, furnished with money by the F—h and S—sh A—rs : the wedding was a secret to every one but the jeweler, and so continues till this very day.

It is a saying of the best of kings, *Let the righteous smite me, it shall be a kindness ; let him reprove me, it shall be an excellent oil.* I have my lord, set before you the opinion of the wise and considerate, with respect to the rise of the present

present distractions, leaving to yourself the method of restoring the public tranquillity, which your country has so good a right to expect from your hands.

I have, my lord, from my infancy, considered the UNION of North and South Britons, to be the greatest blessing that could happen to either, and the only means by which Great Britain can appear with lustre, and become the guardian of the continent; but then this union, must like a firm column be entire, strong, and tho' composed of parts, yet be so closely compacted as to be every way one; but if the column be rent, then either let its ONENESS be *restored*, or else, let the *whole be pulled to* PIECES, and the fabric be otherways supported; which if neglected to be done, ruin, rubbish and confusion will ensue. I look upon the condition of his majesty's British subjects to be like that of a column rent from top to bottom, and every day widening by the *weight* laid upon it: if the harmony intended by the framers of that solemn treaty cannot subsist, then let the *same* be DISSOLVED: If the ENGLISH are to be treated as *sons*, but the SCOTS as *step-sons*! If judges allow incendiaries and fire-brands to speak bitterly before a court of justice, without being checked, let *things* return to their former situation, when an alliance with Scotland was courted by every potentate, her sons were regaled in every clime, and dreaded by every enemy!

Was the dispute confined to lord B--- and J. W---s, things might soon be rectified; but the firebrand of aversion, I had almost said sedition

dition and treachery has been blown up to an intenseness of burning, that is not likely soon to be cooled.

Whoever they were, to encourage W—s in so ungenerous an enterprize, as set two nations at variance, must have been led by the spirit of an enemy, whose maxim is, *Divide et impera, divide and rule*; could any magistrate have connived at the matter, he must be unworthy indeed; and yet the suffering him to pass without rebuke, for plunging headlong into indecent expressions about *Scots* or *English* rebels, pleads very little innocence in the judge who heard him: the enemies of this country could not thrust a more deadly weapon into her bowels, than to sow and cherish the seeds of dissention between her sons. The civil wars among the Romans did what the world itself could not do. Your lordship's own sagacity ought to draw the conclusion; and you and every individual in the king's dominions ought to endeavour to prevent raising a contemptible idea of the PRINCE in the minds of the people, and of raising in his mind a distrust and diffidence of them; the consequence of which is frequently fatal, bidding fair for completing that ruin which the arms of an enemy could not accomplish.

Your lordship must have heard of W—s other appearance on the 14th of June, he came to the hall about half an hour past eight, and the judges about nine, in the morning, all the day was rainy, the hall was extremely thin, few being  
in



in it but the constables, and shopkeepers, till past ten, when the weather clearing up, the crowd became more numerous, and increasing, so that by two in the afternoon the hall was every way full: the counsel for W—s acted with uncommon address and ability, in order to set aside the two verdicts, finding him guilty of republishing the seditious libel, No. 45 of the North Briton; and the shocking production, the *Essay on Woman*; which being over, lord Mansfield recapitulated the whole affair, with his usual distinctness and precision, and spoke for an hour. Sir J. Y—s was of the same opinion, and talked near an hour; Sir Richard A—n agreed in every thing, as also judge W—s; the two verdicts were sustained: and W—s was remanded back to prison till the judges should consider of the punishment, which lord Mansfield informed the counsel had not yet been done.

It would be arrogance, besides loss of time in me to insert the speeches made upon that solemn occasion; it will be sufficient to observe, that eloquence itself was not match for facts before a court of such intuitive penetration and capacity: the alleviations urged in favour of the defendant, only opened a door for exposing him the more and aggravating the crimes laid to his charge; the objection to the proceedings at a time when there was no attorney general, shewed a desire to serve his client, and discovered his own capacity, but was over-ruled,

as the business of a—y g—l devolved upon the solicitor upon an emergency. Further, it was observed, that W—s was not like a bookseller, who might frequently be led to allow his name to a production of which he had never seen a line : Mr. W—s, said the a—y g—l, was a gentleman under no temptation, a member of the legislative body of the nation, and of whom better things might be expected : here several letters from W—s to K—ley, publisher of the *N. Briton* were produced, and No. 45 of that production was read, with this observation by the crown lawyers, that W—s so far from having a sense of his crime, had gloried in it, as appeared from his speech at the bar, on the first day of Easter term : but this was not all, for among other things, came out an irresistible proof of his writing the *Essay on Woman*, for in one of the letters to K—y is this expression ; “ I send you my *Essay on Woman*.” and by the parole evidence it was clear, that he not only sketched the frontispiece, but the proof sheet that was first thrown off, was corrected by W—s’s own hand : all which were openly produced and read.

In the representation given by Lord Mansfield, he in a very masterly manner, deduced the practice of the court with regard to amending an inditement, or in other words, to altering a record ; he traced it thro’ the several reigns from Edward I. to the revolution, since which time it had been the constant and uniform practice and had never yet been complain-  
ed

ed of, and as to the present case, he shewed with great ability, that the word *tenor* or *purport* did not alter the substance of the libel wherewith Mr. W——s was charged: the truth of the matter is, *tenor* was in the original record; Sir F——r N——n, the then attorney general, finding the inditement long substituted the word *purport*, but on recollection that this might be constructed, as taking too much upon himself: he applied for restoring *tenor* the first word, which made the libel stand as before.

There was one thing taken notice of by his lordship, which not only shewed the goodness of his heart, but is both worthy of, and necessary for every parent and master to know.

A tradesman once came to him desiring a warrant to take up his apprentice in whatever place he might be found: as no act of parliament occurred, authorizing him to grant what was required, he consulted with the officers of the court, if the thing was customary and according to precedent; he even consulted with lord H——e, the late lord C——r, who assuring that he himself had given several, and that none but the lord Chief Justice of the K——g's B——h had such a power, he granted the warrant, which being properly served, the man recovered his apprentice: I wish I could inform the public, that the latter was restored to himself: in all cases, where precedents must direct, his lordship always consults such as are best acquainted therewith.



It is needless to take up your lordship's time with every minute particular relating to so long and tedious an affair, which has closed so fatally for the man himself, who received sentence on the 18th of June, about an hour after nine in the morning :

Sir Joseph Y—s pronounced judgment with all the dignity of a judge ; the feeling and sympathy of a man : “ You, said he, among other  
 “ things, attacked a king, in the most sacred  
 “ part of sovereignty \* ; a king, who possesses  
 “ all the virtues that can adorn royalty itself ;  
 “ you endeavoured to prostitute a throne esta-  
 “ blished on the affections of the public, to in-  
 “ sults and defamation ! the tendency of which  
 “ was to mislead the minds of the people ! which  
 “ he lamented was too much done : but this of-  
 “ fence however great, is yet followed by one  
 “ still more atrocious ; what you was upon,  
 “ strikes at the root of all religion, both natural  
 “ and revealed, and without religion the laws  
 “ would soon be of none effect : religion has  
 “ ever suffered more by burlesque and ridi-  
 “ cule than from the open attacks of her ene-  
 “ my ; which last always gave her friends the  
 “ alarm. The very frontispiece is shocking  
 “ and detestable ; and tho' the laws of this  
 “ country allow every man a full hearing  
 “ before conviction ; tho' the Essay on Woman  
 “ has been read in court, yet decency and  
 “ modesty will not permit me to recite any  
 “ part of it, as every line, every sentence, is  
 “ shocking and abominable ! Endeavour to  
 “ have

\* He uttered these Words of No. 45, “ The speech was not that of the king, but of the minister.”

“ have a deep impresson of what you have  
 “ committed, in misapplying your time and  
 “ talents so egregiously ; and I heartily wish  
 “ you may obtain mercy from God, in and  
 “ through the merits of his Son, whom you  
 “ have so grossly blasphemed.”

This representation of mine flows from no private pique against Mr. W—s, a man more the object of pity than resentment, and in my opinion more fit to be sent to the care of Dr. M—o, than to a P——— : it is hoped the ill blood occasioned through his means, will no more boil into tumults and insurrections ; and that the natives of North Britain will no more be singled out as the butts of resentment, the objects of detestation and envy. The name of North Britons has hindered men of ability from being admitted to places for which they were properly qualified.

How much nobler did the inhabitants of the distant provinces of Siberia behave to the Swedes, who in the course of that terrible war between Charles XII. and Peter the Great, fell into the hands of the Muscovites : some of these prisoners turned taylors, some weavers, smiths, drapers, shoemakers and apothecaries ; many of them set up seminaries of learning, taught mathematics and the sciences ; and to these schools were many of the citizens of Muscow itself sent for their education. The accounts given by the Swedes themselves are far from being harsh with regard to their usage in these extensive provinces. I wish North Britons  
 could

could say the same with respect to their *southern* neighbours for these five years past ; a stain indeed upon the annals of the times, but which it is hoped will on mature deliberation, only tend to cement them more strongly, from the consideration, that from nature, religion and interest, they are and ought to be one ; and let either South or North Britons, be stigmatized as traitors, who would expose their mother's sons to shame !

But of all the North Britons now in England, none were used more scurrilously than the earl of B—e and lord M——d, noblemen of great worth and ability, and whose characters in private life and in public business, are truly amiable : the former was bred up in the most generous sentiments, educated at Eton school, and afterward at Leyden, where he studied the law, and made considerable progress therein : a nobleman of address and fidelity, of such distinguished justice to tradesmen, as every Monday morning to pay them their respective bills, an enquirer after the indigent on whom he may bestow his charity, and who in the county around his residence, so public a blessing, as to give bread to 500 persons every day, a man of sobriety and penetration, descended from the most illustrious ancestors ; his great-grandfather, lieutenant general Talmash, fell in the enterprize against Brest in the year 1695, and two of his grand-fires, the marquis and earl of Argyle, were martyrs for liberty and the protestant religion !

As



As to lord M——d, he is descended from a family which opposed tyranny, even in the despotic days of Charles I. and here I beg leave to inform you of a matter with which even that great and good man himself may not be acquainted.

Your lordship will recollect, that the episcopal clergy of Scotland at that time, like their brethren in England, were of a quite different complexion from what the bishops are now; followers of arch-bishop Laud, and maintainers of the doctrines of *passive-obedience, absolute right, non-resistance, and arbitrary power*: add to all this, that they were immoral and dissolute in their lives: the nobility with the inferior clergy, joined in a petition for a free assembly, which after much sollicitation was granted, the bishops were summoned to appear before them, and lord Stormont was one of those lords who were appointed to make out the complaint against them, which he did in so becoming a manner as did honour to himself, and his cause.

The present descendant from that distinguished patriot, has imbibed the same principles and crowded audiences have heard him speak with candour and impartiality; why then such shoals of abuse, in order to raise a general fermentation that ordinary prelude of a cruel war? why bring back the days of the Edwards, the Richards, and of Henry VIII. in the reign of which last, there were two bloody wars between the two crowns.

Your

Your lordship is sensible, that the mouths of the populace, teem with resentment at some of the measures that have been taken, and several complaints are levelled at you, though indeed I look upon one in a still more exalted station to be more worthy of blame.

The D———n, born whose tongue however voluble, yet from a scantiness of penetration, a defect in judgment, and an unacquaintance with solid reasoning, makes him speak for an hour upon a subject, that might be declared in ten minutes, is the father of all our broils and divisions.

May I entreat your Lordship, and the encourager of the present distractions, to concert the most likely methods for soothing the rancour of individuals, restoring harmony and mutual confidence between the inhabitants of G. Britain, consolidating the broken parts into one full strong, impenetrable compact, by which our dignity as a people, nay, our essence as a nation may be irrefragably secured.

F I N I S.

W-s's sentence is, a fine of 500l. and 10 months imprisonment for the No. 45; 500l. 12 months imprisonment for the *Essay on Woman*; at the expiration of which, to find two sureties in 500l. each, for his good behaviour for seven years: so that he becomes a FREE MAN on April 18th, 1770.



